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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,070	12/02/2003	Michael G. Fisher	0003-033P2	2569
40972	7590	04/13/2005	EXAMINER	
HENNEMAN & SAUNDERS 714 WEST MICHIGAN AVENUE THREE RIVERS, MI 49093			HOPKINS, ROBERT A	
			ART UNIT	PAPER NUMBER
			1724	
DATE MAILED: 04/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

LD

Office Action Summary	Application No. 10/726,070	Applicant(s) FISHER ET AL.	
	Examiner Robert A. Hopkins	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,6,9 are rejected under 35 U.S.C 102(b) as being clearly anticipated by Atkinson et al(2946626).

Atkinson et al teaches a pump for moving a product comprising a vacuum chamber(8) having a product inlet(9), a product outlet(11), a vacuum port(28), and an agitator inlet port(17,18), a vacuum source(25) coupled to the vacuum port for providing a vacuum to the vacuum chamber whereby the product is drawn into the chamber through the product inlet, and a product discharge valve(13) coupled to the product outlet for allowing the product to be removed from the vacuum chamber, and wherein the agitator inlet port is disposed such that an agitating fluid entering the chamber through the agitator inlet port will impinge on the product prior to the product entering the product discharge valve(column 3 lines 63-75). Atkinson et al further teaches wherein the vacuum source includes an air pump having an intake coupled to the vacuum port and an outlet coupled to the agitator inlet port. Atkinson et al further teaches a compressed fluid supply source(vacuum source) coupled to the agitator inlet port. Atkinson et al further teaches wherein the product outlet is disposed near the bottom of the vacuum chamber, and the agitator inlet port is disposed adjacent the product outlet.

Claims 10,11,14-19 are rejected under 35 U.S.C 102(b) as being clearly anticipated by Atkinson et al(2946626).

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Atkinson et al teaches a method for moving a product comprising drawing the product into a vacuum chamber(8), removing the product from the vacuum chamber via a product discharge valve(13), and agitating the product with an agitating fluid(17,18) to prevent clogging of the product discharge valve. Atkinson et al further teaches wherein the step of drawing the product into a vacuum chamber includes applying a vacuum to the vacuum chamber via an air pump, and the step of agitating the product includes supplying the agitating fluid from an output of the air pump. Atkinson et al further teaches the step of regulating the flow (bleeder valve 30) of the agitating fluid used to agitate the product. Atkinson et al further teaches wherein the step of agitating the product includes agitating the product with a fluid supplied by a compressed fluid source. Atkinson et al further teaches wherein the step of agitating the product includes regulating the flow of compressed fluid used to agitate the product. Atkinson et al further teaches wherein the step of agitating the product includes agitating the product near the bottom of the vacuum chamber.

Claim 20 is rejected under 35 U.S.C 102(b) as being clearly anticipated by Atkinson et al(2946626).

Atkinson et al teaches a pump comprising vacuum means for drawing a product and a fluid mixture into a chamber, separating means(8) for separating the product from the fluid , agitating means(17,18) for agitating the product, and removal means(13) for removing the product from the chamber.

The following is a list of references which are indicated as non-applied prior art.

Van Abbema discloses a pump including a vacuum, cyclone separator, fan, and collector for separated material.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5,7,8,12,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkinson et al(2946626).

Atkinson et al teaches all of the limitations of claims 3 and 12 but is silent as to a cooling apparatus coupled between the outlet of the air pump and the agitator inlet port. Examiner respectfully submits that cooling apparatus are well known to be coupled with fans, blowers, and air pumps, therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to provide a cooling apparatus coupled between the outlet of the air pump and the agitator inlet port of Atkinson et al in order to regulate the temperature of the airflow supplied at the agitator inlet port.

Atkinson et al teaches all of the limitations of claims 4,5,7,8 but is silent as to a regulating valve coupled between the output of the air pump and the agitator inlet port. Examiner respectfully submits that the regulating valve(bleeder valve 30) is located before the air pump(25), but it would have been obvious to someone of ordinary skill in the art at the time of the invention

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to place the regulating valve between the output of the air pump and agitator inlet port to provide for regulation of air flow without any decrease in performance based on the location of the valve with respect to the pump.

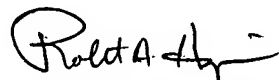
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval(PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

RAH

April 11, 2005


ROBERT A. HOPKINS
PRIMARY EXAMINER
Art. 1724